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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,044	07/30/2003	Chistopher Hsu	LEEE 200301	7391
27885	7590	07/12/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			RIVERA, WILLIAM ARAUZ	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/629,044	Applicant(s) HSU ET AL.	
	Examiner William A. Rivera	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/3/06</u> | 6) <input type="checkbox"/> Other: _____ |

Appeal Brief

The finality of the Office Action of December 19, 2005 will be withdrawn and a new rejection will be set forth below. The finality of the Office Action has been withdrawn because of the translation into the English language of the Noburo and Kenji references. Therefore, the remarks set forth in the Appeal Brief of March 31, 2006 are deemed to be moot.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-9, 12-16, 21-22 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Noburo (Japanese Patent No. 04133973).

With respect to Claims 1, 8-9, 12-16, 21-22 and 38, Noburo, Figures 4(g) and 7 teaches a welding wire package comprising a drum 12 or box with a central axis, multiple layers of looped welding wire W defining a stack wire 11 to be paid out, said stack having an upper ring shaped surface with an outer cylindrical surface and an inner cylindrical surface defining a central bore concentric with said central axis and a flexible permanent magnet retainer ring 15 on top of said upper ring shaped surface, said retainer ring allowing welding wire to be paid from under the ring upwardly from said central bore.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kenji (Japanese Patent No. 04112169).

Art Unit: 3654

With respect to Claim 1, Kenji, Diagram 2, teaches a welding wire package comprising a drum 2 or box with a central axis, multiple layers of looped welding wire W defining a stack wire 4 to be paid out, said stack having an upper ring shaped surface with an outer cylindrical surface and an inner cylindrical surface defining a central bore concentric with said central axis and a flexible permanent magnet retainer ring 5 on top of said upper ring shaped surface, said retainer ring allowing welding wire to be paid from under the ring upwardly from said central bore.

Claims 27-28 and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Farahmand (U.S. Patent No. 6,406,419), Noburo (Japanese Patent No. 04133973) or Kenji (Japanese Patent No. 04112169).

With respect to Claims 27-28 and 31-32, Farahmand, Figures 8 and 9 and Column 4, lines 37-45, teaches a ring 20, said ring being a flat sheet of flexible permanent magnet material with an outer periphery and an inner periphery; said outer periphery having a diameter large enough to substantially cover the looped welding wire.

Claims 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Noburo (Japanese Patent No. 04133973) or Kenji (Japanese Patent No. 04112169).

With respect to Claim 35, Noburo or Kenji, teach a method of controlling the payout of a welding wire in a package at a welding operation, said package comprising a stack of multiple layers of looped welding wire 11,4, respectively, said method including applying a magnetic field to the top of said stack; and, pulling said wire from said stack for feeding to said welding operation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 28, 39, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noburo as applied to claims 1, 8-9, 12-16, 21-22 and 38 above.

With respect to Claims 2, 28, 39, and 40-42, Noburo is advanced above. Noburo teaches all the elements of the welding wire package except for the thickness of the flexible ring. However, it would have been an obvious to one of ordinary skill in the art, as determined through routine experimentation and optimization, to dimension the flexible ring of Noburo because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

Claims 2-7, 10-11, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenji as applied to claim 1 above.

With respect to Claim 2, Kenji is advanced above. Kenji teaches all the elements of the welding wire package except for the thickness of the flexible ring. However, it would have been an obvious to one of ordinary skill in the art, as determined through routine experimentation and optimization, to dimension the flexible ring of Kenji because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

Art Unit: 3654

With respect to Claims 3-7, 10-11, and 17-20 Kenji is advanced above. Kenji teaches all the elements of the welding wire package except for the strength of the magnet. However, it would have been obvious to one of ordinary skill in the art as determined through routine experimentation and optimization, to dimension the flexible ring of Kenji to have the strength set forth in Claims 3 and 4, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

Claims 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farahmand as applied to claims 27-28 and 31-32 above.

With respect to Claims 29 and 33, Farahmand teaches all the elements of the welding wire package except for the strength of the magnet. However, it would have been obvious to one of ordinary skill in the art as determined through routine experimentation and optimization, to dimension the flexible ring of Farahmand to have the strength set forth in Claim 29, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenji as applied to claims 1, 2, and 4 above, and further in view of Srail et al (U.S. Patent No. 5,942,961).

With respect to Claims 23-26, Kenji is advanced above. Srail et al, Columns 5, lines 46-60, teach the use of ferrite particles in a non-magnetic binder. It would have been obvious to one of ordinary skill in the art to provide Farahmand with a binder, as taught by Srail et al, for the purpose of maintaining the materials together.

Art Unit: 3654

Claims 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farahmand as applied to claims 27-28 and 31-32 above, and further in view of Srail et al (U.S. Patent No. 5,942,961).

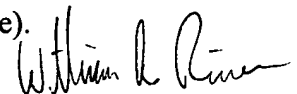
With respect to Claims 30 and 34, Farahmand is advanced above. Srail et al, Columns 5, lines 46-60, teach the use of ferrite particles in a non-magnetic binder. It would have been obvious to one of ordinary skill in the art to provide Farahmand with a binder, as taught by Srail et al, for the purpose of maintaining the materials together.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is 571-272-6953. The examiner can normally be reached on Monday to Thursday - 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM A. RIVERA
PRIMARY EXAMINER**

July 10, 2006